IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.4131 OF 1992

Shri Somling Sahakari Dudh Vyavasaik
Sanstha Ltd .. .. Petitioner

Vs

Darayappa Bashetti Ghejji
and ors. .. Respondents

Mr Nikhil Rajeshirke i/b Mr Shrimant L Kapse, for the petitioner.

Mr G.N.Salunke, for R.Nos 1 and 2.

CORAM : D.B.BHOSALE,J.

DATE : 1st September, 2005.

PC:

1. Heard learned counsel for the parties.

2. This petition is directed against the order dated 2.9.1992 passed by respondent no.5 in the second revision preferred by respondent nos 1 and 2 by which the orders dated 19.5.1991 and 18.6.1992 passed by respondent nos 3 and 4 respectively under section 19 of the Maharashtra Co-operative Societies Act,1960 have

been set aside. Respondent no.3, by order dated 19.5.1991 passed under section 19, reconstructed the society and nominated a provisional committee with direction to the committee to hold elections of the society within six months. This Court, while issuing rule, had granted the interim stay as prayed. By prayer clause (c) the petitioner sought the stay to the impugned order dated 2.9.1995 passed by respondent no.5. In view of the stay granted by this Court, the provisional committee constituted by respondent no.3 was allowed to function and conduct the elections as per the order of respondent no.3 dated 19.5.1991. The provisional committee must have conducted the elections as per the directions issued by respondent no.3 and probably that may be the reason why the learned counsel for the petitioner is not getting any instruction from his client. Keeping in view the overall facts and circumstances of the case, it is clear that the petition has become infructuous and is dismissed as such.

(D.B.BHOSALE, J.)